IN RE: PETITIONS FOR SPECIAL HEARING,

SPECIAL EXCEPTION & VARIANCE -

W/S Reisterstown Road, 1120' N of the c/l \*

Naylors Lane

(1718 Reisterstown Road)

3<sup>rd</sup> Election District

2<sup>nd</sup> Council District

BEFORE THE

\* ZONING COMMISSIONER

OF BALTIMORE COUNTY

\* Case No. 03-372-SPHXA

Alphon, Inc. Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owners of the subject property, Alphon, Inc., through their attorney, Deborah C. Dopkin, Esquire. The Petitioners request a special hearing to approve an amendment to the previously approved site plan in Case No. 90-13-SPHXA, and a special exception to allow a restaurant, including fast food, as a use in combination with a fuel service station, pursuant to Section 405.4.E.10 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, the Petitioners request variance relief as follows: 1) From Section 405.4.A.3.d (1), d (3) and d (4) and Section 409.6.2 of the B.C.Z.R. to allow 22 parking spaces in lieu of the required 29; 2) from Section 405.4.A.2.a to permit a 22-foot setback from a fuel pump to a street right of-way in lieu of the required 25 feet; from Section 405.4.A.2.a to permit a 10-foot setback from a canopy to a street right-of-way in lieu of the required 15 feet; 3 and 4) from Section 405.4.A.2.b to permit landscape transition area(s) (LTA) abutting a public right-of-way of 5 feet and 0 feet in lieu of the required 10 feet each; and, 5) from Section 450.4.1.5(b) to permit freestanding signs of 155 sq.ft. total in lieu of the maximum allowed 75 sq.ft. In open hearing, Variance Request No. 5 was amended and reduced to allow signage of 98.33 sq.ft. in lieu of the permitted 75 sq.ft. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

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3y Appearing at the requisite public hearing in support of the request were Philip J. Diamond, President, Alphon, Inc., property owners, Robert Rosenfelt, a representative of Colbert Matz Rosenfelt, Inc., the consultants who prepared the site plan for this property, and Deborah C. Dopkin, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present; however, a letter of concern/opposition was received regarding Variance Requests Nos. 1 and 5 from Sudbrook Park, Inc., a community association in the vicinity of the subject property. Additionally, a letter of support was received from the Pikesville Chamber of Commerce.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the south side of Reisterstown Road (Maryland Route 140), just south of its interchange with the Baltimore Beltway (I-695) in Reisterstown. The property contains a gross area of 28,174 sq.ft. more or less, zoned B.L.-A.S. The B.L. (Business-Local) zoning classification permits and promotes business uses of property so zoned and the A.S. (Automotive Service) district overlay promotes automotive uses. The subject property is improved with a one-story fuel service station that has existed at this location for many years. In fact, the site was originally developed as a fuel service station pursuant to the approval granted in Case No. 70-122-SPHX in 1970. The use was later expanded under a special exception request in Case No. 90-13-SPHXA. It is to be noted that in that case, variance relief was granted from the then existing sign regulations to permit a sign package in excess of 200 sq.ft. Specifically, approval was granted in that case to allow seven signs for a total sign area of 205 sq.ft.

As noted above, the property has frontage on Reisterstown Road (Maryland Route 140) and is located just south of the interchange with I-695. Reisterstown Road in this vicinity is a highly developed commercial corridor, which serves the residential communities to the interior. As presently configured, the existing structure is an irregular shaped building which features five service bays and a convenience store. The Petitioners propose constructing a 10.7' x 3.5' addition to fill in a notch and "square off" the front corner of the existing building and converting the convenience store operation to a fast-food restaurant. Testimony indicated that the Petitioners have entered into negotiations to locate a Subway Sandwich Shop within the convenience store

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area. With the proposed improvements and conversion of the existing convenience store area, the restaurant area will occupy 720 sq.ft. in area.

It was indicated at the hearing that but for the proposed construction and conversion of the convenience store to a fast-food restaurant, that there will be no changes to the operation of the fuel service operation. Gasoline is presently sold from 7AM to 11PM and the Subway restaurant will have consistent hours of operation from 10AM to 11PM. It was also indicated that the fuel service station's busiest time of day is normally during the morning rush hour before the Subway restaurant would be open. Additionally, the service bays close at 5PM before the dinner hour when additional traffic is expected to patronize the Subway restaurant. For all of these reasons, the Petitioners believe that there will be no traffic congestion on the site in that the separate uses on the property will not compete with one another. It was also indicated at the hearing that the Petitioner has met with Avery Harden, the County's Landscape Architect. Apparently, a landscape plan has been developed for this site and preliminarily approved by Mr. Harden.

Turning first to the Petition for Special Exception, I easily find that the relief requested should be granted. The installation of a fast-food restaurant on the subject site is consistent with redevelopment of fuel service stations throughout Baltimore County. I particularly find that the proposed fuel service station and accessory uses will not overburden the site and meet the requirements of Section 502.1 of the B.C.Z.R. The fact that the different uses generate patrons at different times of the day is a persuasive factor. It does not appear that the proposed use will detrimentally impact traffic patterns in the area. In this regard, it is to be noted that access to the site is by way of two curb cuts along Reisterstown Road. Additionally, there is a third means of access from the adjacent property, which is the site of the Pikesville Hilton Hotel. These multiple means of access will promote appropriate traffic flow through the site.

Similarly, special hearing relief will be granted to allow amendments to the previously approved site plan in Case No. 90-13-SPHXA. These changes are necessary to accommodate the proposed redevelopment of the site, and as noted above, appear appropriate and in compliance with the requirements set out in Section 502.1 of the B.C.Z.R.

 The variance request that generated the most comment was Variance Request No. 5 relative to signage. As noted above, variance relief was previously granted a number of years ago from the then existing sign regulations to allow 205 sq.ft. of signage. The current proposal, as amended, contemplates a significant reduction of signage on the site. As noted above, the amended Petition requests relief to permit 98.33 sq.ft. of freestanding signs in lieu of the 75 sq.ft. allowed. In this regard, the Petitioners are removing two signs that are presently located on the façade of the building. These signs depict the winged Pegasus Mobil trademark. Additionally, a previously approved building-mounted sign advertising the Mobil brand will be removed. Lastly, the Petitioners have deducted from their request the signs that advertise the price of fuel sold on the premises. These signs are exempt from computation of the signage area under the B.C.Z.R., pursuant to Business Regulation Article, Title 10 of the Annotated Code of Maryland.

As noted above, a letter of opposition was received from the community association known as Sudbrook Park, Inc. That letter indicates opposition to the original variance requesting relief to allow 155 sq.ft. of signage in lieu of the 75 sq.ft. permitted. The letter indicates that the Association objects to the "doubling" of the current signage. In this regard, it is to be noted that the current signage will be reduced and not increased. Apparently, Sudbrook Park, Inc. is unaware of the prior sign variance that was granted in 1990. Its position on the current sign package cannot be determined, and no representative from that organization was present at the hearing. Similarly, a comment in opposition to the request was received from the Office of Planning. Again, that comment does not appear to appreciate the prior sign variance that was granted and the fact that the total signage on the property will actually be reduced under the current proposal.

Based upon the testimony and evidence presented, I am persuaded to approve variance relief to permit the new sign package, as amended. I believe that the proposal represents an improvement to existing conditions and meets the requirements of Section 307 of the B.C.Z.R. The other variances requested largely relate to existing conditions. The number of parking spaces required is generated by the multiple uses on the property, i.e., the fuel service station, fast food restaurant and service garage. Additionally, the setback variances relate to existing conditions due

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to the location of the existing canopy and recent improvements to Reisterstown Road. No additional construction is proposed on the site other than the small "notch" to round out the corner of the existing building. The use of the property will not be dramatically different than present. I find that the Petitioners have met the requirements of Section 307 of the B.C.Z.R.

Pursuant to the advertisement posting of the property and public hearing on these Petitions held and for the reasons set forth above, the relief requested, as amended, shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of May, 2003 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 90-13-SPHXA, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to allow a restaurant, including fast food, as a use in combination with a fuel service station, pursuant to Section 405.4.E.10 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief as follows: 1) From Section 405.4.A.3.d (1), d (3) and d (4) and Section 409.6.2 of the B.C.Z.R. to allow 22 parking spaces in lieu of the required 29; 2) from Section 405.4.A.2.a to permit a 22-foot setback from a fuel pump to a street right of-way in lieu of the required 25 feet; from Section 405.4.A.2.a to permit a 10-foot setback from a canopy to a street right-of-way in lieu of the required 15 feet; 3 and 4) from Section 405.4.A.2.b to permit landscape transition area(s) (LTA) abutting a public right-of-way of 5 feet and 0 feet in lieu of the required 10 feet each; and, 5) from Section 450.4.1.5(b) to permit freestanding signs of 98.33 sq.ft. total, as amended, in lieu of the maximum allowed 75 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall implement the landscape plan approved by the County's Landscape Architect, Avery Harden.
- 3) When applying for any permits, the site plan and/or landscape plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 450.4.1.5(b) to permit freestanding signs of 155 sq.ft. total in lieu of the maximum allowed 75 sq.ft., be and is hereby DISMISSED AS MOOT.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

IN THE MATTER OF
THE APPLICATION OF
ALPHON, INC.; PHILIP DIAMOND PRESIDENT FOR A SPECIAL
HEARING, SPECIAL EXCEPTION AND
VARIANCE ON PROPERTY LOCATED ON
THE W/S OF REISTERSTOWN ROAD AT THE
DISTANCE OF 1,120' +/- N OF C/L OF
NAYLORS LANE (1718 REISTERSTOWN RD)

3<sup>RD</sup> ELECTION DISTRICT
2<sup>ND</sup> COUNCILMANIC DISTRICT
\*

BEFORE THE

COUNTY BOARD OF APPEALS

OF

**BALTIMORE COUNTY** 

Case No. 03-372-SPHXA

#### **OPINION**

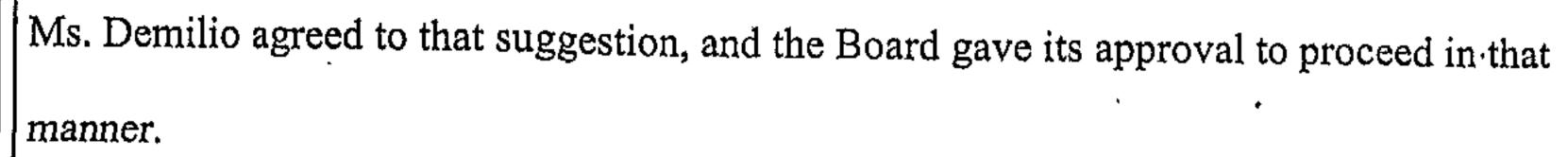
This case comes before the Baltimore County Board of Appeals on a Petition concerning property located at 1718 Reisterstown Road, Third Election District, Second Councilmanic District. A Special Exception, Variances and Special Hearing were granted with restrictions by the Deputy Zoning Commissioner on May 5, 2003.

Deborah C. Dopkin, Esquire, represented the Petitioner, Alphon, Inc., Philip Diamond, President/Legal Owner. Carole Demilio, Deputy People's Counsel, represented the Appellant, People's Counsel for Baltimore County.

In her opening statement, Ms. Demilio stated that her appeal of the Deputy Zoning Commissioner's decision pertained to the variance granted for a 98.33 square-foot sign, as amended, in lieu of the 75 square-foot sign permitted by the regulations. It was Ms. Demilio's understanding that the Petitioner had agreed to withdraw that sign variance request.

In response, Ms. Dopkin agreed that the Petitioner wished to amend their petition and site plan so that the freestanding sign will conform to the current zoning regulation limit of 75 square feet.

Ms. Dopkin stated that both the owner of the subject site and the engineer who prepared the site plan were present, but that, with the Board's permission, she would like to proffer the necessary information regarding the Special Exception, Variances, and Special Hearing requests.



#### Background

Ms. Dopkin stated that the property in question is a well-known Mobil Station on Reisterstown Road, south of I-695. It has been in existence for more than 30 years. Case No. 90-13-SPHXA approved a convenience store plus fuel service. In the case before us, the Petitioner requested permission to replace the convenience store with a "Subway" fast food restaurant. The property is zoned B.L.-A.S. as required for the current use, and is within the URDL, complying with § 405 of the *Baltimore County Zoning Regulations* (BCZR).

According to Ms. Dopkin, the variance requests concern a right-of-way, landscape transition, and some setbacks, which are pre-existing conditions. The setback variance is needed because of a unique situation created by streetscape improvements to Reisterstown Road constructed by Baltimore County.

The request for a variance to the parking requirements is in keeping with what currently exists with no problems and does not reflect all areas available for future parking, should a need arise. Ms. Dopkin noted as well that the repair shop closes at 5:00 p.m. while the Subway restaurant would be open until 9:00 p.m. The fuel service remains open until 10:00 p.m., but the peak hours for fuel do not coincide with those of the restaurant. She stated that there had been no objection from any neighbors, nor did any attend either the hearing below or that of the Board of Appeals.

Mr. Diamond, the owner, is a principal in the operating company for the Mobil Station, and he would operate the restaurant himself.

Ms. Dopkin proffered that the Petitioner's request conforms to the standards set forth in § 502.1 BCZR for a Special Exception and also meets the standards of § 307 for the variances.

Ms. Demilio opined that the convenience store and the Subway restaurant are not drastically different in use, and she agreed that the Petitioner would satisfy the standards of § 502.1 BCZR.

She also stated that the People's Counsel does not dispute the fact that, except for the sign request, the variance requests are a result of the County's streetscape improvements, and the Petitioner cannot comply without a variance being granted.

She also noted that the crux of the People's Counsel's concern, the freestanding sign, was being amended to 73.3 square feet with a maximum height of 25 feet, which conforms to § 450.4.1.b of the sign regulations.

As for the landscape plan, Ms. Demilio is satisfied with the restriction requiring a plan approved by Baltimore County's landscape architect, Avery Harden.

#### **Opinion**

To be granted a Special Exception, the use must comply with § 502.1 as follows:

- 502.1—Before any Special Exception may be granted, it must appear that the use for which the Special Exception is requested will not:
  - A. Be detrimental to the health, safety, or general welfare of the locality involved;
  - B. Tend to create congestion in roads, streets or alleys therein;
  - C. Create a potential hazard from fire, panic or other dangers;
  - D. Tend to overcrowd the land and cause undue concentration of population;
  - E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;
  - F. Interfere with adequate light and air;
  - G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;

- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations;
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C. 2, R.C. 4, R.C. 5, or R.C. 7 zone. inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations;
- J. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C. 2, R.C. 4, R.C. 5, or R.C. 7 zone.

As set forth in Schultz v. Pritts, 291 Md 1, 11, 432 A.2d 1319 (1981), a special exception is a "valid zoning mechanism" whereby a particular use is presumed to be valid and is presumed to be consistent with the general welfare, absent facts or circumstances sufficient to negate that presumption. Similarly, the Court of Appeals in Mayor and City Council of Rockville v. Rylus Enterprises, Inc. 372 Md, 514, 541-543, 814 A.2d 469 (2002) states as follows:

...a special exception use is an additional use which the controlling zoning ordinance states will be allowed in a given zone unless there is showing that the use would have unique adverse affects (sic) on the neighboring properties within the zone.

The Board accepts the proffer of the Counsel for the Petitioner and unanimously concludes that the Petitioner has met his burden under § 502.1 BCZR.

Relative to the Petitioner's request for variances, § 307 of the BCZR permits granting of a variance upon certain terms and conditions, which in pertinent part in this case, allow a variance where special circumstances or conditions exist that are peculiar to the land that is the subject of the variance requested, and where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship.

Under the Court of Special Appeals decision in Cromwell v. Ward, 102 Md.App. 691 (1995), which sets forth the legal standards under which a variance may be granted, the Board of Appeals, hearing the case de novo, is given the task of interpreting regulations and statutes where issues are debatable in the light of the law. The first burden on the Petitioner for variance is to

prove that the property is unique. This standard must be met before other parts of the variance requirements can be properly considered.

Upon consideration of the testimony and evidence offered during this hearing, the Board finds unanimously that the streetscape improvements cause a unique situation which necessitates the variances as requested.

The only exception is the sign variance which the Petitioner has amended to bring the freestanding sign into compliance (Petitioner's Exhibit #1).

Therefore the Board finds that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 90-13-SPHXA, in accordance with the Petitioner's site plan (Petitioner's Exhibit #1) shall be granted, and the Petition for Special Exception to allow a restaurant, including fast food, as a use in combination with a fuel service station, pursuant to § 405.4.E.10 BCZR, in accordance with the site plan, is granted.

The Petition for Variance is also granted as follows:

- From §§ 405.4.A.3.d(1), d(3) and d(4) and § 409.6.2 BCZR to allow 22 parking spaces in lieu of the required 29;
- from § 405.4.A.2 to permit a 22-foot setback from a fuel pump to a street right-ofway in lieu of the required 25 feet; from § 405.4.A.2.a to permit a 10-foot setback from a canopy to a street right-of-way in lieu of the required 15 feet;
- from § 405.4.A.2.b to permit landscape transition areas abutting a public right-of-way of 5 feet and 0 feet in lieu of the required 10 feet each.

The above approval shall be subject to the following restrictions:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has

expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

- 2. The Petitioner shall implement the landscape plan approved by the County's Landscape Architect, Avery Harden.
- 3. When applying for any permits, the site plan and/or landscape plan filed must reference this case and set forth and address the restrictions of this Order.

#### ORDER

THEREFORE, IT IS THIS 4th day of wyst, 2003 by the County Board of Appeals of Baltimore County

ORDERED that Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 90-13-SPHXA, in accordance with the Petitioner's site plan (Petitioner's Exhibit #1) be and the same is hereby GRANTED; and it is further

ORDERED that the Petition for Special Exception to allow a restaurant, including fast food, as a use in combination with a fuel service station, pursuant to § 405.4.E.10 BCZR, in accordance with the site plan, is hereby GRANTED; and it is further

ORDERED that the Petition for Variance is also granted as follows:

- From §§ 405.4.A.3.d(1), d(3) and d(4) and § 409.6.2 BCZR to allow 22 parking spaces in lieu of the required 29;
- from § 405.4.A.2 to permit a 22-foot setback from a fuel pump to a street right-of-way in lieu of the required 25 feet; from § 405.4.A.2.a to permit a 10-foot setback from a canopy to a street right-of-way in lieu of the required 15 feet;
- from § 405.4.A.2.b to permit landscape transition areas abutting a public right-of-way of 5 feet and 0 feet in lieu of the required 10 feet each.

The above approval shall be subject to the following restrictions:

- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2. The Petitioner shall implement the landscape plan approved by the County's Landscape Architect, Avery Harden.
- 3. When applying for any permits, the site plan and/or landscape plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that Petitioner's request for variance for a 98.33 square-foot sign, as amended, in lieu of the 75 square-foot sign permitted by the regulations, be and the same is WITHDRAWN AND DISMISSED, and that portion of the Deputy Zoning Commissioner's Order in which said variance was granted, including any and all relief granted therein with regard to this variance request, is rendered null and void..

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence S. Wescott, Panel Chairman

Margaret Worrall

Richard K. Irish



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

May 6, 2003

Fax: 410-887-3468

Deborah C. Dopkin, Esquire 409 Washington Avenue, Suite 1000 Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE W/S Reisterstown Road, 1120' N of the c/l Naylors Lane (1718 Reisterstown Road)

3<sup>rd</sup> Election District — 2<sup>nd</sup> Council District Alphon, Inc. - Petitioners Case No. 03-372-SPHXA

Dear Ms. Dopkin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Variance, as amended, have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

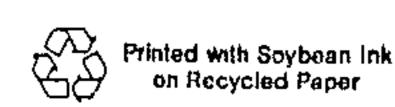
Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc: Mr. Philip J. Diamond, President, Alphon, Inc.
1718 Reisterstown Road, Baltimore, Md. 21208
Mr. Robert S. Rosenfelt, Colbert Matz Rosenfelt
2835 Smith Avenue, Suite G, Baltimore, Md. 21209
Ms. Melanie Anson, Sudbrook Park, Inc.
1007 Windsor Road, Baltimore, Md. 21208
Office of Planning; People's Counsel; Case/File





ORDER

Date

## Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at: 1718 Reisterstown Road	<u></u>
which is presently zoned <u>BL-AS</u>	;

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part of thereof, hereby petition for a Special Hearing under 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve

To amend the previously approved plan from Case No. 90-13-SPHXA.

Property is to be posted and advertised as p I, or we, agree to pay expenses of above Sp zoning regulations and restrictions of Baltimo	ecial Hearing, advertising	egulations. I, posting, etc and further agree to and are to be l Lant to the zoning law for Baltlmore County.	bounded by the
		I/We do solemnly declare and affirm, under to perjury, that I/we are the legal owner(\$) of the list the subject of this Petition.	•
Contract Purchaser/Lessee:		Legal Owner(s):  Alphon, Inc.  Philip J. Diamond, President	
Name - Type or Print		Name - Type or Print	
Signature	<del></del>	Signature	· <del></del>
Address.	Telephone No.	Name Type or Print	······································
City	State Zip Code	Signature	
Attorney For Petitioner:		1718 Reisterstown Road	410-486-1739
		Address.	Telephone No.
Deborah C. Dopkin, Esq.		Baltimore	Md. 21208
Name - Type or Print  Signature  Name - Type or Print  Signature	·	Representative to be Contacted:	State Zip Code
Law Offices of Deborah C. Dopkin, P.A.		Robert S Rosenfelt, P.E.	
ZCompany		COLBERT MATZ ROSENFELT, INC. (e.	ve.) 410-358-8262
409 Washington Avenue, Suite 1000	410-821-0200	2835 Smith Avenue, Suite G (day	y) 410-653 <b>-</b> 3838
rAddress	Telephone No.	Address	Telephone No.
Towson	Md. 21204	Baltimore	MD 21209
	State Zip Code	City OFFICE USE ONLY	State Zlp Code
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10. 03-372- SPHXA	<u> </u>	ESTIMATED LENGTH OF HEARING	J
		UNAVAILABLE FOR HEARING	te 2/12/03
<del>-</del> 1 1		Reviewed By JRF Do	ite 2/12/03



# Petition for Special Exception

## to the Zoning Commissioner of Baltimore County

	for the property l	ocated at: <u>1718 Reisters</u>	town Road
	7	which is presently zoned _	BL-AS
This Petition shall be filed with the owner(s) of the property situate in Barmade a part of hereof, hereby petition herein described property for	altimore County and v	which is described in the desc	ription and plat attached hereto and
A restaurant, including fast food, in co	mbination with a fuel	service station, in accordance	with Section 405.4.E.10, BCZR.
Property is to be posted and advertised as I, or we, agree to pay expenses of above S zoning regulations and restrictions of Baltin	Special Exception, adve	ertising, posting, etc and further agi	ree to and are to be bounded by the nore County.
		<del>-</del>	and affirm, under the penalties of egal owner(s) of the property which on.
Contract Purchaser/Lessee:		Legal Owner(s):	
		Alphon, Inc. Philip Diamond, Preside	∍nt
Name - Type or Print	<del> </del>	Name - Type or Print	
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Address.	Telephone No.	Name – Type or Print	· · · · · · · · · · · · · · · · · · ·
City	State Zip Code	Signature	<del></del>
Attorney For Petitioner:		1718 Reisterstown Roa	d 410-486-1739
- · · · · -		Address.	Telephone No.
Deborah C. Dopkin, Esq. Name – Type or Print	····	B <b>altimore</b> City	Md. 21208
	<b>`</b>		State Zip Code
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aw Offices of Deborah C. Dopkin, P.A	Δ	Dobort & Doconfolt D.E.	•
Company	7.	Robert S Rosenfelt, P.E. COLBERT MATZ ROSE	· · · · · · · · · · · · · · · · · · ·
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ddress	Telephone No.	2835 Smith Avenue, Su Address	Telephone No.
Towson	Md. 21204	Baltimore	MD 21209
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		OFF:	ICE USE ONLY
Sale No. 03-372-5PH)	KA	ESTIMATED LENGT	- <del> </del>
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#### Variances Requested for 1718 Reisterstown Road

From Sections 405.4.A.3.d (1), d (3) and d (4); and 409.6.2, BCZR, for 22 parking spaces in lieu of 29 spaces required.

From Section 405.4.A.2.a, BCZR, for a 22-foot setback from a fuel pump to a street right-of-way, in lieu of 25 feet required.

From Section 405.4.A.2.a, BCZR, for a 10-foot setback from a canopy to a street right-of-way, in lieu of 15 feet required.

From Section 405.4.A.2.b, BCZR, for landscape transition area 5 feet in width abutting a public right-of-way in lieu of 10 feet required and 0 feet in width in lieu of 10 feet required.

From Section 450.4.I.5 (b), BCZR, for 155 square feet of freestanding signs in lieu of 75 square feet permitted.



# Petition for Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 1718 Reisterstown Road which is presently zoned BL-AS

I/We do solemnly declare and affirm, under the penalties of

UNAVAILABLE FOR HEARING\_\_\_\_

Reviewed By JRP

Date 2/12/03

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part of thereof, hereby petition for a Variance from Section(s)

See attached.

Of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

The uniqueness and peculiarity of the property causes the zoning provisions to impact disproportionately upon the property. Practical difficulty and unreasonable hardship result from the disproportionate impact of the provisions of the zoning regulations caused by the property's uniqueness.

Property to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

perjury, that I/we are the legal owner(s) of the property which Is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Alphon, Inc. Philip Diamond, Presient Name - Type or Print Name - Type or Print mes Signature Signature Address. Telephone No. Name - Type or Print City Zip Code State Signature **Attorney For Petitioner:** 1718 Reisterstown Road 410-486-1739 Address. Telephone No. Beborah C. Dopkin, Esq. Baltimore 21208 Md. Type or Print City Zip Code State Representative to be Contacted: Signature 山畝(NOffices of Deborah C. Dopkin, P.A. Robert S Rosenfelt, P.E. Company COLBERT MATZ ROSENFELT, INC (eve.) 410-358-8262 Washington Avenue, Suite 1000 410-821-0200 410-653-3838 (day) 2835 Smith Avenue, Suite G Telephone No. Address Telephone No. City City 21204 Baltimore Md. MD 21209 Zip Code State City State Zip Code E Case No. OFFICE USE ONLY 03-372-5PHXA ESTIMATED LENGTH OF HEARING\_

#### Variances Requested for 1718 Reisterstown Road

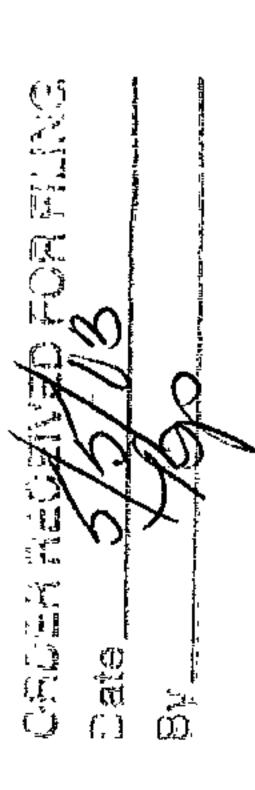
From Sections 405.4.A.3.d (1), d (3) and d (4); and 409.6.2, BCZR, for 22 parking spaces in lieu of 29 spaces required.

From Section 405.4.A.2.a, BCZR, for a 22-foot setback from a fuel pump to a street right-of-way, in lieu of 25 feet required.

From Section 405.4.A.2.a, BCZR, for a 10-foot setback from a canopy to a street right-of-way, in lieu of 15 feet required.

From Section 405.4.A.2.b, BCZR, for landscape transition area 5 feet in width abutting a public right-of-way in lieu of 10 feet required and 0 feet in width in lieu of 10 feet required.

From Section 450.4.1.5 (b), BCZR, for 155 square feet of freestanding signs in lieu of 75 square feet permitted.

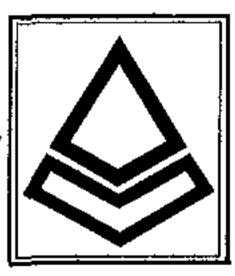






## Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



#### ZONING DESCRIPTION 1718 REISTERSTOWN ROAD

Beginning at a point on the west side of Reisterstown Road which is of varying width, at the distance of 1120 feet, more or less, north of the centerline of Naylors Lane, which is 60 feet wide. Thence the following courses and distances:

South 47°48'50" West, 151.81 ft.; North 42°05'15" West, 194.38 ft.; North 47°50'30" East, 139.00 ft., South 42°07'47" East, 31.29 ft., thence South 46°34'23" East, 163.50 ft., to the Point of Beginning.

As recorded in Deed Liber 11780, folio 253, containing 28,174 square feet, more or less. Also known as 1718 Reisterstown Road and located in the 3<sup>rd</sup> Election District.

372



#### NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case #03-372-SPHXA

Case #03-372-SPHXA

1718 Reisterstown Road
W/side of Reisterstown Road at the distance of 1,120
feet /- horth of the centerline of Naylors Lane
3rd Election District - 2nd Councilmante District
Liegal Owner(s): Alphon, Inc., Philip Diamond, President
Special Hearing: to amend the previously approved plan
from Case No. 90-13-SPHXA. Special Exception: to approve a restaurant, including fast food, in combination
with a fuel service station. Variance: to permit 22 parking
spaces in fleu of 29 spaces required. To permit a 22-foot
serback from a fuel pump to a street right-of-way, in fleu
of 15 feet required. To permit a 10-foot setback from a
danopy to a street right-of-way, in fleu of 15 feet required.
To permit landscape transition area 5 feet in width abutting a public right-of-way in fleu of 10 feet required and a ting a public right-of-way in lieu of 10 feet required and a of feet in width in lieu of 10 feet required. To permit 155 square feet of freestanding signs in lieu of 75 square feet permitted:

Hearing: Tuesday, April 8, 2003 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley: Avenue.

LAWRENCE E. SCHMIDT -

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

LT 3/765 March 25

C593944

## CERTIFICATE OF PUBLICATION

3/27/,2003	
THIS IS TO CERTIFY, that the annexed advertisement was a	published
in the following weekly newspaper published in Baltimore Cour	nty, Md.,
once in each ofsuccessive weeks, the first publication at on $\frac{325}{,2003}$ .	ppearing
The Jeffersonian  Arbutus Times	1
<ul> <li>Catonsville Times</li> <li>Towson Times</li> <li>Owings Mills Times</li> </ul>	
☐ NE Booster/Reporter ☐ North County News	1 
S. WUKMSA- LEGAL ADVERTISING	
LECAME MUVERIONA	

528 ZWING URIFICATURA \$500.00 bitime Courts, farriand CASHIER'S VALIDATION É 300.00 300.00 021067 RECOL 6 No. 9000  $z_o$ CUSTOMER 43 AMOUNT YELOW Subuo MARY RECEIPT 9 ANEOUS BUDGE Pikes アデ d BALTIMORE DISTRIBUTION
WHITE - CASHIER OFFICE OF MISCELL (-RECEIVED FROM: DATE 8

1

## CERTIFICATE OF POSTING

		Date: 3 77 03
RE:	Case Number <u>O3-372-SPHXA</u> Petitioner/Developer: <u>ALPHON INC</u> Date of Hearing/Closing: <u>APRIL</u> 8	2003
were	This is to certify under the penalties of perjury to posted conspicuously on the property located at	hat the necessary sign(s) required by law 1718 REISTERSTంటని Roద్
	The sign(s) were posted on  ZONING NOTICE  Case =: 03-3725PHM  A DIBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER TIME 8. DRIE 100000 N. N.D.  THE ZONING COMMISSIONER TO SECURITY OF THE TONING COMMISSIONER THE ZONING	(Month, Day, Year)  (Month, Day, Year)  (Signature of Sign Poster)  Charles E. Merritt (Printed Name of Sign Poster)  9831 Magnetit Road (Street Address of Sign Poster)
	LASE # 03  LASE # 03  LASE # 03  PLACE: 401 B0  PLA	BALT IMORE MD 71734 (City, State, Zip Code of Sign Poster)  410 665 5562

Revised 3/1/01 - SCJ

(Telephone Number of Sign Poster)

## APPEAL SIGNPOSTING REQUEST

CASE NO: 03-372-SPHXA

Alphon, Inc., Philip Diamond, Presient - LEGALOWNERS

1718 Reisterstown Road, Baltimore 21208

3rd ELECTION DISTRICT

APPEALED: 5/20/2003

ATTACHMENT (Planto accompany Petition - Petitioner's Exhibit No. 1)

#### APPEAL SIGN POSTING REQUEST

CASE NO.: 03-372-SPHXA

Alphon, Inc., Philip Diamond, Presient - LEGAL OWNERS

1718 Reisterstown Road, Baltimore 21208

3<sup>rd</sup> ELECTION DISTRICT APPEALED: 5/20/2003 ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1) \*\*\*\*\*\*\*\*COMPLETE AND RETURN BELOW INFORMATION\*\*\*\*\* CERTIFICATE OF POSTING Baltimore County Board of Appeals TO: 400 Washington Avenue, Room 49 Towson, Maryland 21204 Kathleen Bianco Attention: Administrator 03-372 SPHXA Case No.: RE: Petitioner/Developer: This is to certify that the necessary appeal sign was posted conspicuously on the property located at: 1718 Reisterstown Rd. The sign was posted on 2003

By:

(Signature of Sign Poster)

(Printed Name)

GARY FREUND



Baltimore County Department of Permits and Development Management

Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

March 5, 2003

#### NOTICE OF ZONING HEARING Correction

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 03-372-SPHXA

1718 Reisterstown Road

W/side of Reisterstown Road at the distance of 1,120 feet +/- north of the centerline of Naylors Lane

3<sup>rd</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owner: Alphon, Inc., Philip Diamond, President

Special Hearing to amend the previously approved plan from Case No. 90-13-SPHXA. Special Exception to approve a restaurant, including fast food, in combination with a fuel service station. Variance to permit 22 parking spaces in lieu of 29 spaces required. To permit a 22-foot setback from a fuel pump to a street right-of-way, in lieu of 15 feet required. To permit a 10-foot setback from a canopy to a street right-of-way, in lieu of 15 feet required. To permit landscape transition area 5 feet in width abutting a public right-of-way in lieu of 10 feet required and a 0 feet in width in lieu of 10 feet required. To permit 155 square feet of freestanding signs in lieu of 75 square feet permitted.

Hearings:

Tuesday, April 8, 2003 at 2:00 p.m. in Room 407, County Courts Building, 401

Bosley Avenue

Manager of the second s

Arnold Jablon

Director

AJ:rlh

C: Deborah C. Dopkin, 409 Washington Avenue, Suite 1000, Towson 21204 Alphon, Inc., Philip Diamond, President, 1718 Reisterstown Road, Baltimore 21208

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MARCH 24, 2003.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO:

PATUXENT PUBLISHING COMPANY

Tuesday, March 25, 2003 Issue - Jeffersonian

Please forward billing to:

Philip Diamond Beltway Mobil

1718 Reisterstown Road Baltimore, MD 21208 410-486-1739

#### **NOTICE OF ZONING HEARING**

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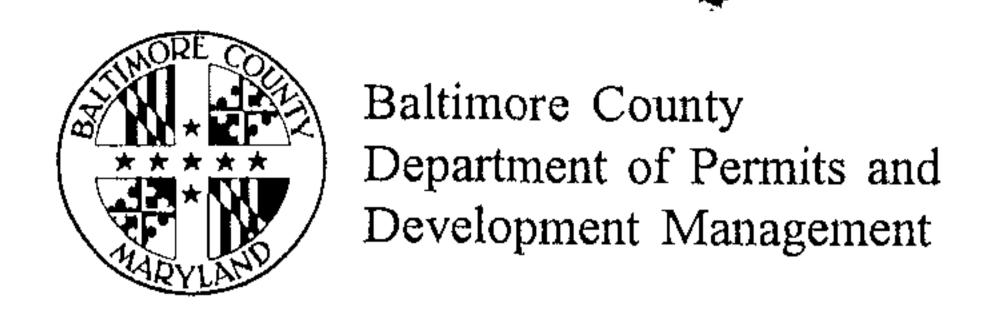
Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

March 5, 2003

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CASE NUMBER: 03-372-SPHXA

1718 Reisterstown Road

W/side Private Road, 490 feet west of Phoenix Road at a point 490 feet ± of Highland Ridge Road

8<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owner: Alphon, Inc., Philip Diamond, President

Special Hearing to amend the previously approved plan from Case No. 90-13-SPHXA. Special Exception to approve a restaurant, including fast food, in combination with a fuel service station. Variance to permit 22 parking spaces in lieu of 29 spaces required. To permit a 22-foot setback from a fuel pump to a street right-of-way, in lieu of 15 feet required. To permit a 10-foot setback from a canopy to a street right-of-way, in lieu of 15 feet required. To permit landscape transition area 5 feet in width abutting a public right-of-way in lieu of 10 feet required and a 0 feet in width in lieu of 10 feet required. To permit 155 square feet of freestanding signs in lieu of 75 square feet permitted.

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Arnold Jablon<sup>§</sup>

Director

AJ:rlh

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Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

#### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 03-372-5PHXA
Petitioner: Alphon, Luc.
Address or Location: 1718 Reisterstown Rosal
PLEASE FORWARD ADVERTISING BILL TO:  Name: Pilip Drawon (
Address: Beltevay Neobil
1718 Recisterstonn Rd.
Baltimore Med. 21208
Telephone Number: 410 - 486 - 1739



#### County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

Hearing Room — Room 48 Old Courthouse, 400 Washington Avenue

June 20, 2003

#### **NOTICE OF ASSIGNMENT**

CASE #: 03-372-SPHXA

IN THE MATTER OF: Alphon, Inc., Philip Diamond, President/Legal
Owner 1718 Reisterstown Road 3<sup>rd</sup> E; 2<sup>nd</sup> C

5/05/03 -Decision of the D.Z.C. in which Petitions for Special Exception, Variance and Special Hearing were GRANTED with restrictions.

The subject matter has been specially assigned as follows by agreement of counsel:

**ASSIGNED FOR:** 

WEDNESDAY, JULY 2, 2003 at 10:30 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the

advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco Administrator

c:

Appellant

: People's Counsel for Baltimore County

Counsel for Petitioner /Legal Owner

Petitioner /Legal Owner

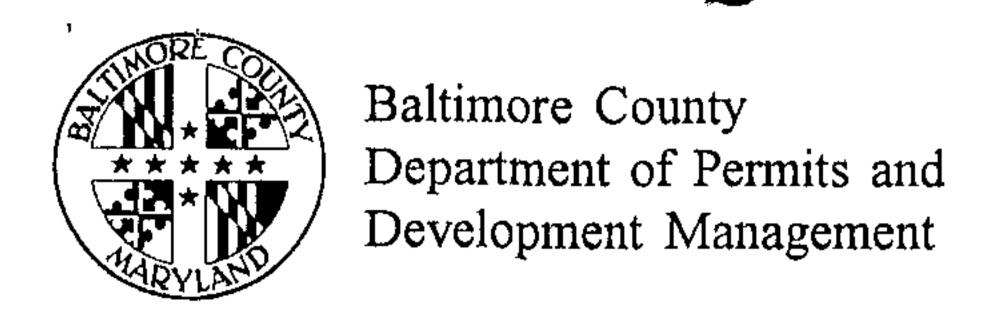
: Deborah C. Dopkin, Esquire

: Alphon, Inc.; Philip Diamond, President

Robert S. Rosenfelt, PE /Colbert Matz Rosenfelt Inc.

Ms. Melanie Anson /Sudbrook Park Inc.

Pat Keller, Director /Planning Lawrence Schmidt /Zoning Commissioner Timothy M. Kotroco, Director /PDM



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

April 4, 2003

Deborah C. Dopkin, Esq. Law Offices of Deborah Dopkin, P.A. 409 Washington Avenue, Suite 1000 Towson, MD 21204

Dear Ms. Dopkin:

RE: Case Number: 03-372-SPHXA, 1718 Reisterstown Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 12, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

U. Callibal D

WCR:klm

**Enclosures** 

c: People's Counsel
—Alphon, Inc., Philip Diamond, President, 1718 Reisterstown Road, Baltimore 21208
Robert S. Rosenfelt, P.E., Colbert Matz Rosenfelt, Inc., 2835 Smith Ave., Suite G,
Baltimore 21209

**DATE:** March 19, 2003

RECEIVED
MAR 2 0 2003
VG COMMISSIONER

## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

1718 Reisterstown Road

**INFORMATION:** 

Item Number:

03-372

Petitioner:

Alphon, Inc. (AKA Beltway Mobil)

Zoning:

BL-AS

Requested Action: Variance/Special Hearing/Special Exception

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning conducted a thorough review of the petitioner's request and determined that the subject property is located in the Urban Boulevard section of the Pikesville Revitalization area. An update of the Pikesville Revitalization Plan (PRP) is underway that recommends upgrading the appearance of properties along Reisterstown Road. Other means of revitalization mentioned in the PRP includes zoning and development activities.

The petitioner proposes to add a Subway restaurant as a use in combination with an existing automotive service station that will require several setback variances, in addition to a landscape transition variance, and a sign variance.

This office does not oppose the variance request associated with the setback and landscape transition area provided a landscape plan is submitted to Avery Harden, county landscape architect for review and approval. However, this office is concerned with the variance request germane to the erection of the 155 square foot free-standing sign which would more than double the 75 square feet maximum that is currently permitted. A 155 square foot sign would not be in keeping with Pikesville revitalization efforts and therefore should be DENIED. This office strongly recommends that a new monumental sign that meets the zoning regulations be erected on site. Elevations of this recommended sign should be submitted to Diana Itter, 2<sup>nd</sup> District

Planner for review and approval prior to the issuance of any sign permit. The canopy sign is acceptable as shown.

The existing 118.44 square foot double-sided sign is 28.62 feet high and predates the current sign regulations. Section 450.8D of the Baltimore County Zoning Regulations require the property owner to remove signs that do not comply with the regulations after a 15 year period from the effective date of Bill 89-97.

Prepared by:

Section Chief:

AFK/LL:MAC:

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**DATE:** March 14, 2003

TO:

Arnold Jablon, Director

Department of Permits & Development Management

FROM Th

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For March 10, 2003

Item Nos. 359, 369 REVISED, 370 REVISED, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, and 386

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File



#### MARYLAND DEPARTMENT OF TRANSPORTATION

Robert L. Ehrlich, Jr., Governor · Michael S. Steele, Lt. Governor · Trent M. Kittleman, Acting Secretary

3.4.03 Date:

Mr. George Zahner Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County

Item No. 372

Dear Mr. Zahner:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/DS 142. are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 March 11, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: March 3, 2003

Item No.:

372

Dear Ms. Hart:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code; the NFPA 1 & 101, 2000 editions, prior to occupancy or beginning of operation.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

RE: PETITION FOR SPECIAL HEARING

**BEFORE THE** 

SPECIAL EXCEPTION & VARIANCE

1718 Reisterstown Road; Wside Reisterstown\*

Rd; 1,120' +/- N ctrline Naylors Lane

3<sup>rd</sup> Election & 2<sup>nd</sup> Councilmanic Districts

Legal Owner(s): Philip J. Diamond, President

Alphon, Inc.

ZONING COMMISSIONER

**FOR** 

**BALTIMORE COUNTY** 

03-372-SPHXA

\* \* \* \* \* \* \* \* \*

#### ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204

(410) 887-2188

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of March, 2003, a copy of the foregoing Entry of Appearance was mailed to Robert S. Rosenfelt, P.E., Colbert, Matz, Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209, and to Deborah Dopkin, Esquire, 409 Washington Avenue, Suite 1000, Towson, MD 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County





#### OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

(410) 887-2188

People's Counsel

May 20, 2003

CAROLE S. DEMILIO
Deputy People's Counsel

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re:

PETITION FOR SPECIAL EXCEPTION,
SPECIAL HEARING & VARIANCE
W/S Reisterstown Road, 1120' N of c/l Naylors Lane
(1718 Reisterstown Road)
3<sup>rd</sup> Election District; 2<sup>nd</sup> Council District
Alphon, Inc.- Petitioner
Case No.: 03-372-SPHXA

Dear Mr. Jablon:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated May 5, 2003 by the Baltimore County Zoning Commissioner in the above-entitled case

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Caroles. Demilio-temw

Carole S. Demilio

Deputy People's Counsel

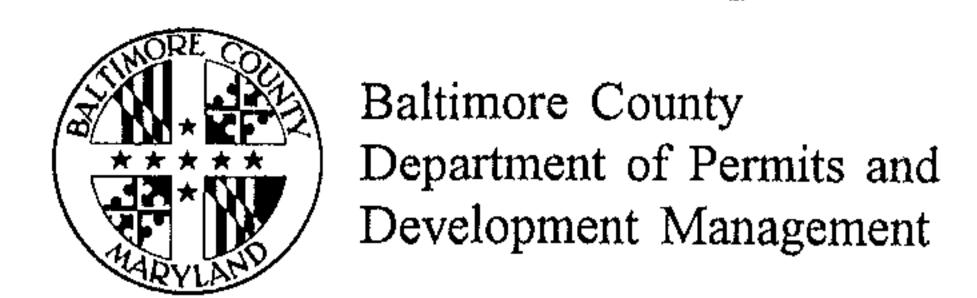
PMZ/CSD/rmw

cc: Deborah Dopkin, Esquire Robert S. Rosenfelt Melanie Anson

MAY 2 0 2003

RECEIVED

. bh



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

May 21, 2003

Deborah C. Dopkin, Esquire 409 Washington Avenue Suite 1000 Towson, MD 21204

Dear Ms. Dopkin:

RE: Case No. 03-372-SPHXA, 1718 Reisterstown Road

RECEIVED
MAY 2 1 2003

BALTIMORE COUNTY BOARD OF APPEALS

Please be advised that an appeal of the above-referenced case was filed in this office on May 20, 2003 by Peter M. Zimmerman, People's Counsel of Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Arnold Jablon Director

#### AJ:rlh

c: Lawrence E. Schmidt, Zoning Commissioner Arnold Jablon, Director of PDM People's Counsel Alphon, Inc., Philip J. Diamond, 1718 Reisterstown Road, Baltimore 21208 Robert Rosenfelt, P. E., Colbert, Matz Rosenfelt, Inc., 2835 Smith Avenue, Baltimore 21209

#### **APPEAL**

Petition for Special Hearing, Special Exception, and Variance
1718 Reisterstown Road
W/side of Reisterstown Road at the distance of 1,120 feet +/- north of the centerline of
Naylors Lane
3<sup>rd</sup> ED – 2<sup>nd</sup> CD
Alphon, Inc., Philip Diamond, President – Legal Owner

Case No.: 03-372-SPHXA

Petition for Special Hearing, Special Exception and Variance (February 12, 2003)

Zoning Description of Property

Notice of Zoning Hearing (March 5, 2003)

√ Certification of Publication (The Jeffersonian issue March 25, 2003)

Certificate of Posting (by Charles Merritt) on March 22, 2003

✓ Entry of Appearance by People's Counsel (March 10, 2003)

√ Petitioner(s) Sign-In Sheet
One Sheet

Protestant(s) Sign-In Sheet
None

∨Citizen(s) Sign-In Sheet None

Zoning Advisory Committee Comments

Petitioners' Exhibits:

1. Plan to accompany Petition for Special Hearing, Special Exception, and Variance

Landscape Plan3a-3d Photos Of Beltway Mobile

√ Protestants' Exhibits:

✓ None

√Miscellaneous (Not Marked as Exhibit

1. Letter of concern from Melanie Anson of Sudbrook Park

BCZR on Advertising signs

1/3. Letter of support from Pikesville Chamber of Commerce

√Deputy Zoning Commissioner's Order (May 5, 2003 – GRANTED subject to the following restrictions)

Notice of Appeal received on May 20, 2003 from Peter M. Zimmerman of People's Counsel of Baltimore County

People's Counsel of Baltimore County, MS #2010
Deputy Zoning Commissioner
Arnold Jablon, Director of PDM
Deborah C. Dopkin, 409 Washington Avenue, Suite 1000, Towson 21204

ALPHON, INC PHILIP DIAMOND, PRESIDENT 1718 REISTERSTOWN ROAD BALTIMORE MD 21208 PETITIONER

ROBERT S ROSENFELT PE COLBERT MATZ ROSENFELT INC 2835 SMITH AVENUE, SUITE G BALTIMORE MD 21209

DEBORAH DOPKIN ESQUIRE 409 WASHINGTON AVENUE SUITE 1000 TOWSON MD 21204

ATTORNEY FOR PETITIONER

MS MELANIE ANSON SUDBROOK PARK INC 1007 WINDSOR ROAD BALTIMORE MD 21208



Case No. 03-372-SPHXA

## Alphon, Inc.; Philip Diamond, President /Legal Owner 1718 Reisterstown Road 3<sup>rd</sup> E; 2<sup>nd</sup> C

SPH – Amendment to previous 90-13-SPHXA; SE –restaurant, including fast food, as use in combo with fuel service station; VAR – setbacks, landscaping, signs.

5/05/03 – D.Z.C.'s Order in which requested relief was GRANTED with restrictions.

6/20/03 - T/C with D. Dopkin and C. Demilio; scheduled matter to 7/02/03 at 10:30 a.m. by agreement of counsel; to put settlement on the record.

-- Notice of Assignment sent to the following; assigned for Wednesday, July 2, 2003 at 10:30 a.m.

People's Counsel for Baltimore County / Carole Demilio

Deborah C. Dopkin, Esquire

Alphon, Inc.; Philip Diamond, President

Robert S. Rosenfelt, PE/Colbert Matz Rosenfelt Inc.

Ms. Melanie Anson /Sudbrook Park Inc.

Pat Keller, Director /Planning

Lawrence Schmidt /Zoning Commissioner

Timothy M. Kotroco, Director /PDM

7/02/03 – Board convened for hearing as specially assigned (Wescott, Worrall, Irish); testimony/evidence proferred by Petitioner; accepted by Deputy People's Counsel. Petitioner also withdrew variance request as to signs /square footage; Board deliberated immediately after conclusion of hearing; granted Petitioner's requested relief; met burden; restrictions as discussed. Written Opinion and Order to be issued; appellate period to run from date of written Order.

#### BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County Interoffice Correspondence

DATE:

September 25, 2003

TO:

Timothy Kotroco, Director

Permits & Development Management

Attn.: David Duvall

FROM:

Theresa R. Shelton

Board of Appeals

SUBJECT:

**CLOSED APPEAL CASE FILES** 

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

BOARD OF  APPEALS  CASE NUMBER	PDM FILE NUMBER	NAME	LOCATION
CBA-03-128	APPLICATION OF FENCE WAIVER (DENIED)	PURINTON	1501 WEST JOPPA ROAL
CR-02-456-SPH	CYCLE III 2002 RECLASS	SCHWARTZ	112 HOOKS LANE
03-372-SPHXA	03-372-SPHXA	ALPHON PHILIP DIAMOND	1718 REISTERSTOWN ROAD
03-136-SPH and 03-137-SPH	03-136-SPH and 03-137-SPH	SCHLOGEL	5934 EBENEZER ROAD

Attachment: SUBJECT FILE(S) / EXHIBIT(S) ATTACHED

### BOARD OF APPEALS OF BALTIMORE COUNTY MINUTES OF DELIBERATION

IN THE MATTER OF:

Alphon, Inc.; Philip Diamond, President/Legal Owner

Case No. 03-372-SPHXA

DATE

Tuesday, July 2, 2003

BOARD /PANEL

Lawrence S. Wescott

(LSW)

Margaret Worrall

(MW)

Richard K. Irish

(RKI)

RECORDED BY

Kathleen C. Bianco, Administrator

PURPOSE: To deliberate Case No. 03-372-SPHXA /Petitions for Special Hearing, Special Exception and Variance relief filed by Legal Owner /Petitioner..

At the conclusion of the hearing in this matter, the Board closed the record in the case and moved on to the public deliberation phase of the proceeding.

Deborah Dopkin, Esquire, counsel for Petitioner, attended the deliberation, as did Carole S. Demilio, Deputy People's Counsel for Baltimore County.

Based upon the evidence as proffered by Counsel for Petitioner and agreed to by People's Counsel, the Board found that Petitioner met his burden in this matter and under terms as proffered, including withdrawal of variance request (square footage /signs).

Final Decision: Petitioner's request will be granted, said granting to include the restrictions with respect to landscape plan, as agreed by Petitioner at the hearing before the Board.

Requested relief GRANTED (variance re square footage for signs withdrawn by Petitioner) with conditions /restrictions as discussed; to be included in Order. Written Order to be issued by the Board; appellate period to run from date

NOTE: These minutes, which will become part of the case file, are intended only to indicate for the record that a public deliberation took place this date regarding this zoning case. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by this Board.

Respectfully submitted

Kathleen C. Bianco, Administrator

County Board of Appeals



April 7, 2003

Mr. Lawrence Schmidt Zoning Commissioner Baltimore County 401 Bosley Avenue, Suite 405 Towson, Maryland 21204

-PR 7 2003 20NNG M

Dear Mr. Schmidt:

This letter is being sent to you to indicate the support of the Pikesville Chamber of Commerce for the proposed addition of the Subway restaurant to the Beltway Mobil station at 1718 Reisterstown Road (Case 03-372). We feel that this project is a desirable one for Pikesville as it will add jobs and bring more business into Pikesville. The site falls within the boundaries of our Revitalization District and would be a welcome addition to the revitalization effort that is ongoing. Subway projects a positive, healthconscious image and would be a desirable new business in Pikesville.

Sincerely,

Sherrie Becker Executive Director





1007 Windsor Road
Pikesville, MD 21208 RECEIVED
April 7, 2003

APR 1 0 2003

ZONING COMMISSIONER

By fax to: 410-887-3468

Zoning Commissioner Lawrence E. Schmidt 401 Bosley Avenue, Room 405 Towson, MD 21204

Re: Philip Diamond Property, 1718 Reisterstown Road, Case No. 03372-SPHXA

Dear Commissioner Schmidt:

On behalf of Sudbrook Park, Inc., I am writing to express our concern about certain of the variances requested by the Petitioner in the above case.

#### 1. Variance for a 155 sq. ft. sign instead of the current 75 sq. ft. sign.

We strongly oppose this variance. Pikesville is working hard to revitalize its commercial area from the Beltway to the City Line. Additionally, the Council passed new sign laws in the last several years in an effort to bring, among other things, better proportionality to signs throughout the county. More than doubling the size of the current sign will defeat the intent of the sign law and be a jarring eyesore along Reisterstown road, since the Beltway Mobile at issue is one of the first properties that people see as they enter Pikesville from a westerly direction. A monstrous sign is unnecessary and would be aesthetically overpowering. We urge you to deny this variance request.

## 2. Variance for 22 parking spaces instead of the required 29 for a fast food restaurant.

If you find that it is necessary or appropriate to grant this variance because of the specific circumstances at this particular site, we urge you to specify this in your decision so that the granting of this variance for a Subway shop at the Mobile will not be deemed applicable to other fast food establishments in Pikesville that might decide to apply for parking variances in the future.

Thank you for considering our concerns and comments.

Sincerely,

Melanie Anson, Zoning Committee

cc: Lynn Lanham, Planner III
Ellen Spokes, President, Sudbrook Park, Inc.
Elizabeth Stellmann, Chair, Zoning Committee



#### Document 1 of 1

#### Source:

Maryland Code/BUSINESS REGULATION/TITLE 10. MOTOR FUEL AND LUBRICANTS/SUBTITLE 3. INSPECTION AND SALE OF MOTOR FUEL/§ 10-315. Advertising signs.

#### § 10-315. Advertising signs.

- (a) Required.- A person who sells motor fuel at retail shall display signs in accordance with this section.
- (b) Dispensing equipment signs.-
- (1) All dispensing equipment for motor fuel shall be marked conspicuously to show in numerals of equal size the price, including taxes, of a gallon of the motor fuel offered for sale.
- (2) If numerals that show a fractional cent are used, the combined height and width of the numerator and denominator shall equal the height and width of the other numerals used.
- (c) Size of price and tax listings.~
- (1) A sign or other means on the premises and approaches to a retail outlet that advertises the retail price of motor fuel:
- (i) may list the price and each tax separately if the listing of the total of the price and all taxes is the same size as the separate listing of the price; but
- (ii) shall list the total of the price and all taxes by numerals of uniform size.
- (2) In the listing of the total of the price and all taxes, a denominator need not be used to indicate a fraction, but:
- (i) if a denominator is used, the numerator and denominator combined shall be the same size as the numeral that indicates the whole number; or
- (ii) if a denominator is not used, the numerator shall be the same size as the numeral that indicates the whole number.
- (d) Grade designation in advertising.- If the retail price of motor fuel is advertised on a sign or by other means on the premises of and approaches to the retail outlet, the grade designation displayed for any motor fuel in the advertisement shall be the same as the grade designation that is required to be displayed for that motor fuel on the retail dispensing pump as specified by the Comptroller.
- (e) Retail service station dealer signs.-
- (1) This subsection does not apply to:
- (i) a retail service station dealer who operates with not more than 3 dispensing units that combined have not more than 6 nozzles; or
- (ii) the sale of gasohol.
- (2) Each retail service station dealer shall keep a sign on the premises that:
- (i) states the lowest price for a whole measurement unit of regular and mid-grade gasoline sold on the premises;
- (ii) states the unit of measurement used; and
- (iii) is readable by passing motorists.
- (3) All numerals on the sign shall:

- (i) be uniform;
- (ii) be at least 8 inches high and 3.5 inches wide; and
- (iii) have a brush stroke of at least 1 inch.
- (4) A numeral in a fraction or a letter shall be at least one-third the height of a numeral that indicates a whole number.
- (5) If a new or additional sign is required to comply with this subsection, the supplier of the gasoline shall provide the sign and numerals without cost to the retail service station dealer.
- (f) Local laws, ordinances, or regulations In general; exemption. A sign required at a service station by this section or any other State or federal law is exempt from the provisions of a local law, ordinance, or regulation for the purpose of determining:
- (1) the total number of signs permitted; and
- (2) the area of signs permitted.
- (g) Same Compliance.- Except as provided in subsection (f) of this section, signs regulated by this section or other State law or by federal law may be regulated by the local zoning authority and shall be consistent with the local law, ordinance, or regulation governing signs.

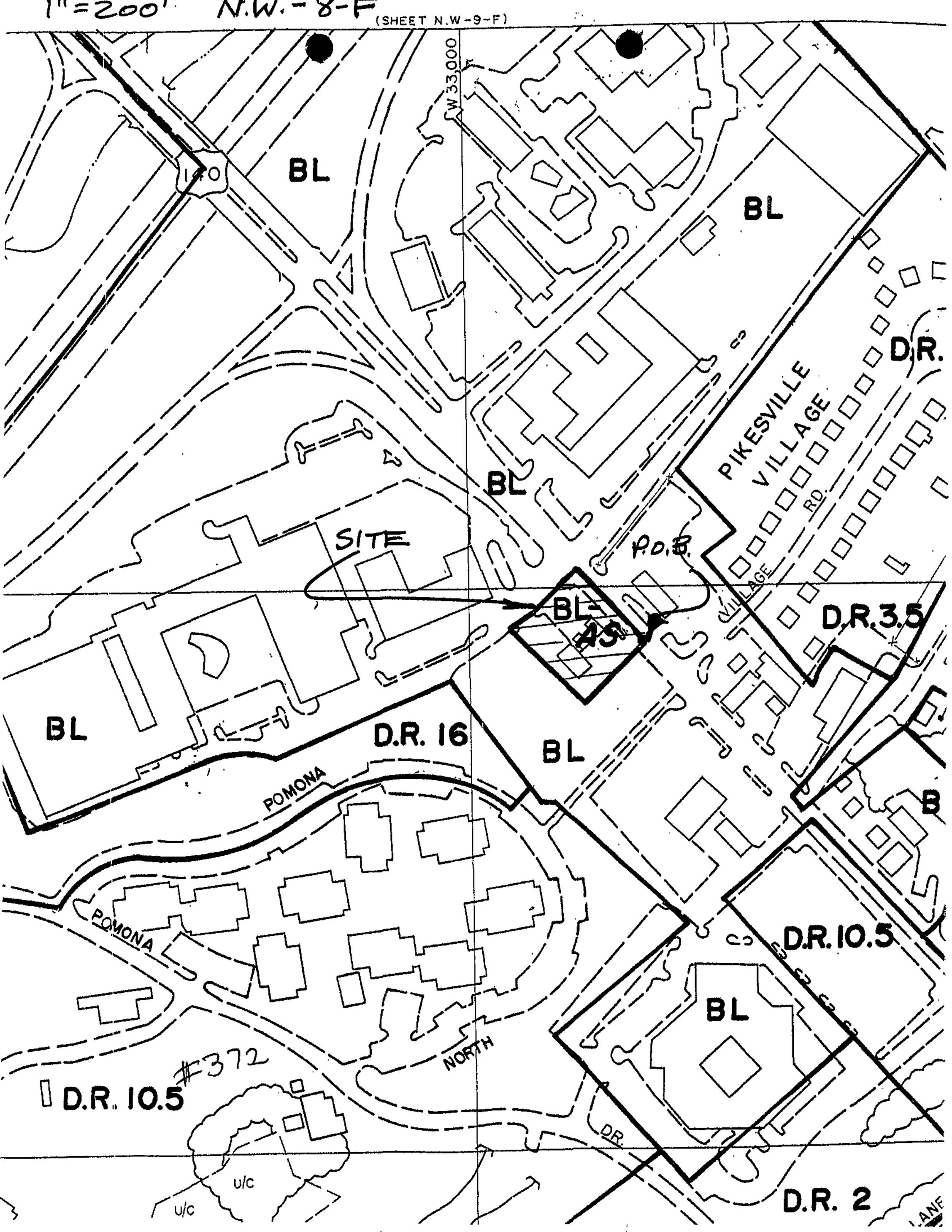
[An. Code 1957, art. 56, § 157J; 1992, ch. 4, § 2; 1993, ch. 512; 2001, ch. 308.]

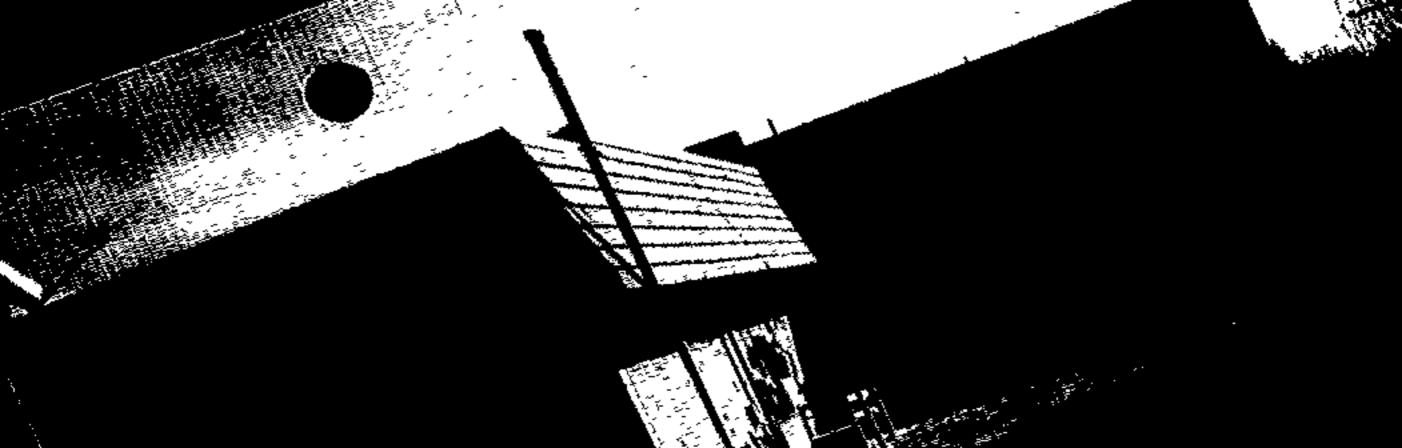
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DATE	CASE NUMBER	CASE NAME

# ETTIONER'S SIGN-IN SHEET

								7	Dookin	PHILLE DIANDAI)	NAME
								2835G Smith ave	ڲ	&BELIWAY HOBIL	ADDRESS
								Fall md 31209	BALTO NO 21204	1718 KEISTEKSTON 1041)	CITY, STATE, ZIP
								8	DOPKIND & DOPKINGON.COM		E- MAIL





















## Landscape Notes & Specifications

#### I. GENERAL

1. THESE PLANS SHALL BE USED FOR PLANTING INSTALLATION ONLY.

2. IT SHALL BE DISTINCTLY UNDERSTOOD THAT FAILURE TO MENTION SPECIFICALLY ANY WORK WHICH WOULD NORMALLY BE REQUIRED TO COMPLETE THIS PROJECT SHALL NOT RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY TO PERFORM SUCH WORK. THE COST OF SUCH WORK SHALL BE INCLUDED IN THE BASE BID.

3. THE CONTRACTOR SHALL NOTE THAT IN CASE OF DISCREPANCY BETWEEN ANY SCALED DIMENSIONS AND THE FIGURED DIMENSIONS SHOWN ON THESE PLANS, THE FIGURED DIMENSIONS SHALL GOVERN.

4. THE CONTRACTOR SHALL PROTECT ALL EXISTING IMPROVEMENTS NO SCHEDULED FOR REMOVAL OR DEMOLITION. COST OF REPAIR TO EXISTING IMPROVEMENTS SHALL BE INCLUDED IN THE BASE BID.

5. ALL EXISTING PLANTS NOTED TO BE RELOCATED SHALL BE MOVED UNDER THE SUPERVISION OF A MARYLAND LICENSED TREE EXPERT.

#### II. UTILITIES

1. THE LOCATION OF EXISTING UTILITIES SHOWN HEREON IS APPROXIMATE ONLY AND IS PROVIDED FOR THE CONVENIENCE OF THE CONTRACTOR ONLY. THE LOCATIONS ARE TAKEN FROM EXISTING RECORDS AND DO NOT REPRESENT FIELD-VERIFIED LOCATIONS. THE CONTRACTOR SHALL NOTIFY MISS UTILITY AT 1-800-257-TTTT A MINIMUM OF 5 WORKING DAYS PRIOR TO DIGGING. THE CONTRACTOR SHALL CONFIRM TO HIS OWN SATISFACTION THE LOCATION OF ALL UTILITIES PRIOR TO PLACEMENT OF ANY MATERIALS. IF ANY CONFLICT IS FOUND BETWEEN UNDERGROUND UTILITIES AND THE PROPOSED LOCATION OF ANY CONSTRUCTION, THE CONTRACTOR SHALL CONTACT COLBERT MATZ ROSENFELT AND THE OWNER OF THE UTILITY IMMEDIATELY. ANY DAMAGE OR DISRUPTION OF SERVICE SHALL BE AT THE EXPENSE OF THE CONTRACTOR.

2. ALL PLANT MATERIAL, CONSTRUCTION METHODS AND MATERIAL PLACEMENT SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF "AMERICAN STANDARD FOR NURSERY STOCK", AS PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN, INC., THE "LANDSCAPE SPECIFICATION GUIDELINES FOR BALTIMORE-WASHINGTON METROPOLITAN AREAS", AS PROPOSED BY THE LANDSCAPE CONTRACTORS ASSOCIATION, THE "BALTIMORE COUNTY LANDSCAPE MANUAL", AND THE LATEST EDITION OF THE "STANDARD SPECIFICATIONS FOR CONSTRUCTION AND MATERIALS" OF THE MARYLAND STATE DEPARTMENT OF TRANSPORTATION.

9. ALL TREES SHALL BE DELIVERED TO THE SITE BALLED AND BURLAPPED. ALL SHRUBS SHALL BE BALLED AND BURLAPPED OR IN CONTAINERS. ALL GRASSES SHALL BE IN CONTAINERS.

4. AFTER THE PLANTING HAS BEEN APPROVED BY THE LANDSCAPE ARCHITECT AND THE OWNER, THE MAINTENANCE OF WATERING AND WEEDING OF SUCH PLANTS AND PLANTED AREAS SHALL BE PROVIDED BY THE OWNER. SINCE THE PLANTS ARE TO BE GUARANTEED BY THE CONTRACTOR, THE CONTRACTOR SHALL PERIODICALLY CHECK THE MAINTENANCE CONDUCTED BY THE OWNER. IF THE CONTRACTOR IS NOT SATISFIED WITH THE MAINTENANCE OF THE PLANTS, A WRITTEN REPORT, IN TRIPLICATE, STATING APPROPRIATE CHANGES SHALL BE GIVEN IMMEDIATELY TO THE LANDSCAPE ARCHITECT, TWO COPIES WILL BE FORWARDED TO THE OWNER. BEGIN MAINTENANCE IMMEDIATELY AFTER PLANTING.

5. MAINTAIN TREES UNTIL FINAL ACCEPTANCE, BUT IN NO CASE, LESS THAN 60 DAYS AFTER FINAL ACCEPTANCE OF PLANTING. MAINTAIN ALL PLANTS BY PRUNING, CULTIVATING AND MEEDING AS REQUIRED FOR HEALTHY GROWTH. RESTORE PLANTING SAUCERS. TIGHTEN AND REPAIR STAKE AND GUY SUPPORTS AND RESET TREES TO PROPER GRADES OR VERTICAL POSITION AS REQUIRED. RESTORE OR REPLACE DAMAGED MRAPPINGS. SPRAY AS REQUIRED TO KEEP ALL PLANTS FREE OF INSECTS AND DISEASE.

6. IN THE ABSENCE OF ADEQUATE RAINFALL, MATERING SHALL BE PERFORMED DAILY OR AS OFTEN AS NECESSARY DURING THE FIRST WEEK AND IN SUFFICIENT QUANTITIES TO MAINTAIN MOIST SOIL TO A DEPTH OF 4 INCHES. WATERING SHALL NOT BE DONE DURING THE HEAT OF THE DAY. CONTRACTOR SHALL PROVIDE A SEPARATE LUMP SUM PRICE IN THE OVERALL LANDSCAPE BID FOR WATERING TO ALL NEW PLANTINGS DURING ONE GROWING SEASON.

7. DEPTH AND WIDTH OF EXCAVATION FOR PLANTING OF ALL PLANTS SHALL BE TO TWICE THE DEPTH AND WIDTH OF ROOT BALL OR CONTAINER OF PLANT TO BE INSTALLED, EXCEPT AS NOTED ON DETAILS.

6. ALL TOPSOIL SHALL BE WELL GRADED LOAM OF GOOD UNIFORM QUALITY AND SHALL BE A NATURAL FRIABLE SOIL FREE OF OBJECTS LARGER THAN ONE INCH IN ANY DIMENSION, AND FREE OF TOXIC SUBSTANCES, WEEDS AND ANY MATERIAL OF SUBSTANCES THAT MAY BE HARMFUL TO PLANT GROWTH. TOPSOIL SHALL CONTAIN AT LEAST ORGANIC MATTER. IF SUFFICIENT TOPSOIL IS NOT AVAILABLE ON THE SITE TO MEET THE DEPTH AS SPECIFIED HEREIN, THE CONTRACTOR SHALL FURNISH ADDITIONAL TOPSOIL. PRIOR TO TOPSOIL DELIVERY, THE CONTRACTOR SHALL OBTAIN THE LANDSCAPE ARCHITECTS APPROVAL OF THE SOURCE FROM WHICH TOPSOIL IS TO BE FURNISHED.

9. FOR PLANTING MIX, MIX THOROUGHLY 2/3 APPROVED TOPSOIL (SEE "TOPSOIL") AND 1/3 APPROVED ORGANIC MATTER.

10. FERTILIZER TABLETS OR SPIKES TO BE PLACED AT EACH TREE AND SHRUB AT A RATE OF 1 PER 2 IN OF TRUNK CALIPER OR GALLON OF ROOTBALL. TABLETS OR SPIKES SHALL NOT BE IN CONTACT WITH THE ROOTBALL.

11. MULCH MATERIAL SHALL BE OF UNIFORM SIZE, FINE SHREDDED TANBARK HARDWOOD MULCH OR APPROVED EQUAL. MULCH SHALL BE A REDDISH DARK BROWN COLOR AND SHALL BE LAID TO A UNIFORM MINIMUM DEPTH OF 2 INCHES. MULCH AREAS AROUND TREES AT THE RATE OF 1 FOOT OF DIAMETER PER INCH OF TRUNK CALIPER.

12. HYDROGEL ABSORBENT MATERIAL SHALL BE ADDED TO THE PLANTING HOLE FOR EACH TREE AND SHRUB AT THE RATE OF 4 OUNCES PER 2-1/2 IN CALIPER OR GALLON OF ROOTBALL. HYDROGEL MATERIAL SHALL BE VITERRA "GELSCAPE," "TERRASORB," OR APPROVED EQUAL.

13. IF A PLANT IS FOUND NOT TO BE SUITABLE OR AVAILABLE, THE LANDSCAPE CONTRACTOR IS TO NOTIFY THE LANDSCAPE ARCHITECT BEFORE BIDDING. THE OWNER OR LANDSCAPE ARCHITECT WILL THEN SELECT A REASONABLE ALTERNATE OR IN FORM ALL LANDSCAPE CONTRACTORS OF THE AVAILABILITY OF THE ORIGINAL PLANT.

14. THE CONTRACTOR SHALL PRUNE PLANT MATERIAL WITHIN TWO (2)
DAYS OF INSTALLATION IN ACCORDANCE WITH THE DETAILS AND AS
DIRECTED BY THE OWNER'S REPRESENTATIVE.

15. DURING COURSE OF PLANTING, EXCESS AND WASTE MATERIALS SHALL BE CONTINUOUSLY AND PROMPTLY REMOVED, LAWN AREAS KEPT CLEAR, AND ALL REASONABLE PRECAUTIONS TAKEN TO AVOID DAMAGE TO ANY EXISTING LAWNS, PAVING, ETC., NOT SCHEDULED FOR REMOVAL. WHEN PLANTING IN AN AREA HAS BEEN COMPLETED, THE AREA SHALL BE CLEANED UP THOROUGHLY. DEBRIS, RUBBISH, SUBSOIL AND WASTE MATERIALS SHALL BE CLEANED UP AND REMOVED FROM THE PROPERTY. EXISTING GRASS AREAS WHICH HAVE BEEN INJURED BY THE WORK SHALL BE REGRADED AND SODDED TO MATCH THE EXISTING LAWN, THE ENTIRE AREA SHALL BE NEAT AND CLEAN TO THE SATISFACTION OF THE LANDSCAPE ARCHITECT.

16. CONTRACTOR SHALL, AT ALL TIMES, PROTECT ALL PLANTS AND LAWNS FROM DAMAGE. THE MOVING OF HEAVY EQUIPMENT OR MATERIAL OVER THE LAWN AREAS SHALL BE DONE ON PLANKS OR PONTOONS.

17. THE CONTRACTOR SHALL RESTORE TO THEIR ORIGINAL CONDITION ALL PAVEMENTS, SODDED OR PLANTED AREAS, STRUCTURES OR SUBSTRUCTURES, NOT SCHEDULED FOR REMOVAL, WHICH ARE DISTURBED BY THE CONTRACTOR DURING PLANTING OPERATIONS. SUCH RESTORATION SHALL BE IN A MANNER SATISFACTORY TO THE LANDSCAPE ARCHITECT AND AT NO ADDITIONAL COST TO THE OWNER.

18. AFTER PLANTING IS COMPLETED (INCLUDING MULCHING AND CLEAN-UP) THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT IN WRITING TO REQUEST FINAL INSPECTION OF THE TOTAL PLANTING. THE LANDSCAPE ARCHITECT SHALL MAKE A FINAL INSPECTION VISIT AS SOON AS POSSIBLE. LANDSCAPE ARCHITECT SHALL NOTIFY THE LANDSCAPE CONTRACTOR, IN WRITING, WHEN ALL WORK IS SATISFACTORILY COMPLETE. IF WORK IS NOT SATISFACTORILY COMPLETE, THE LANDSCAPE ARCHITECT WILL NOTIFY THE LANDSCAPE CONTRACTOR, IN WRITING, AS TO THE DEFICIENCIES IN THE WORK AND THE NECESSARY CORRECTIVE MEASURES. THE LANDSCAPE CONTRACTOR WILL BE GIVEN A REASONABLE AMOUNT OF TIME TO CORRECT THE DEFICIENCIES, AND ANOTHER FINAL INSPECTION WILL BE SCHEDULED BY THE LANDSCAPE ARCHITECT.

19. ALL PLANT MATERIAL AND LAWN AREAS SHALL BE GUARANTEED TO BE IN A VIGOROUS GROWING CONDITION ONE YEAR FROM THE DATE OF FINAL INSPECTION AND ACCEPTANCE. AT THE TERMINATION OF THIS PERIOD, THE CONTRACTOR SHALL HAVE COMPLETED THE PRECEDING MAINTENANCE SCHEDULE. ANY PLANTS INFECTED WITH DISEASE OR IN SECTS WILL BE REMOVED OR TREATED. ALL DEAD OR UNACCEPTABLE PLANTS WILL BE REPLACED BY THE SAME PLANTS AND SIZES DESIGNATED ON THE PLANT LIST. THESE PLANTS SHALL BE PLANTED, MULCHED AND GUY AS SPECIFIED HEREIN AND WITHOUT EXTRA COMPENSATION TO THE CONTRACTOR. AT THE COMPLETION OF ALL SUCH WORK AND WITH THE APPROVAL OF THE LANDSCAPE ARCHITECT, THE CONTRACT WILL BE CONSIDERED COMPLETE.

# Final Landscape Plan Owner Certification

I CERTIFY THAT I HAVE REVIEWED THIS FINAL LANDSCAPE PLAN, THAT I AM AWARE OF THE REGULATIONS PRESENTED IN THE BALTIMORE COUNTY LANDSCAPE MANUAL, AND I AGREE TO COMPLY WITH THESE REGULATIONS AND ALL APPLICABLE POLICY, GUIDELINES AND ORDINANCES. I AGREE TO CERTIFY THE IMPLEMENTATION OF THIS APPROVED FINAL LANDSCAPE PLAN UPON COMPLETION OF THE LANDSCAPE INSTALLATION PRIOR TO PWA CLOSEOUT IF APPLICABLE OR NOT LATER THAN ONE (1) YEAR FROM THE DATE OF APPROVAL OF THIS PLAN TO THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, DEVELOPMENT PLANS REVIEW, ROOM 207, COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE, TOMSON, MD 21204.

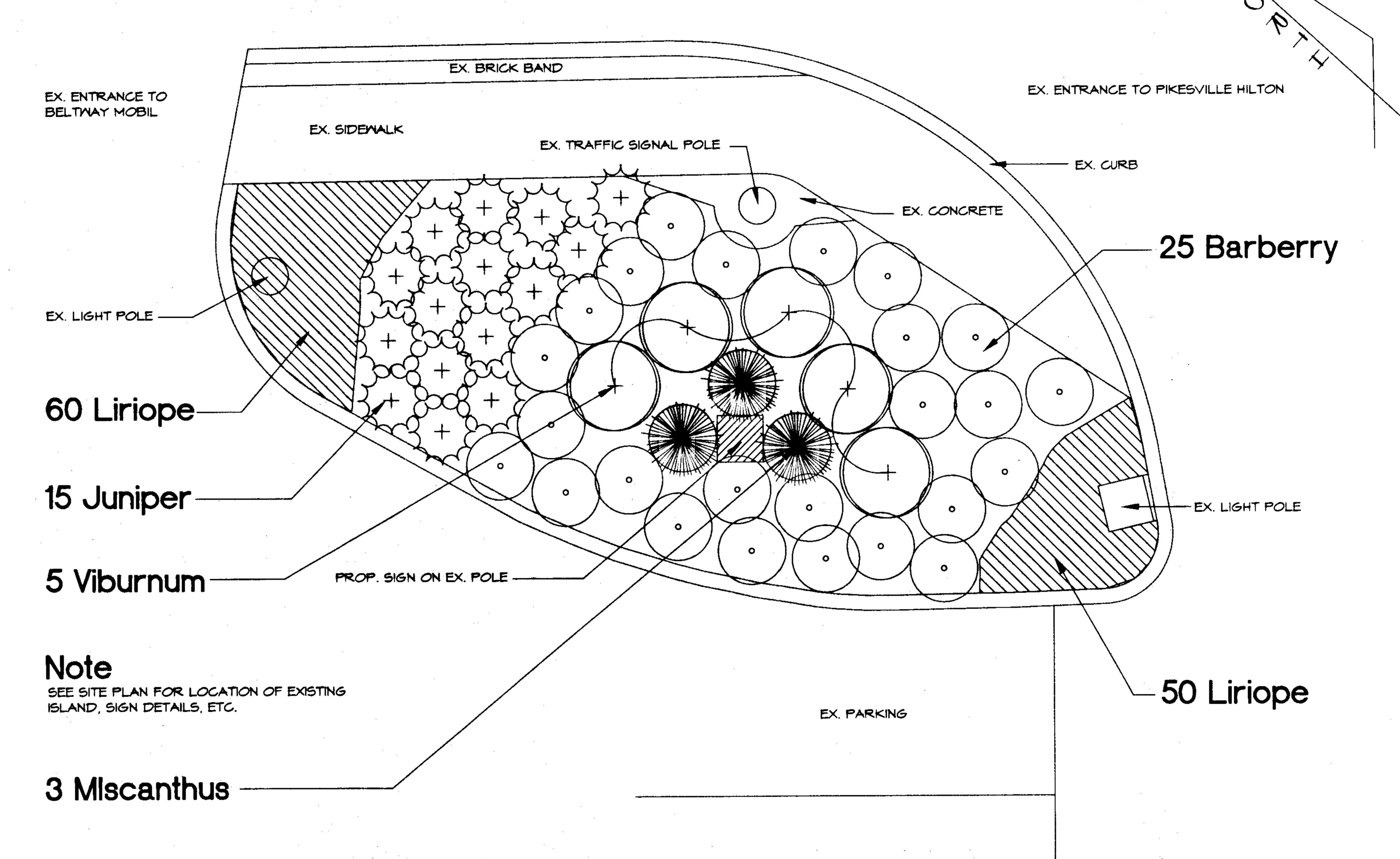
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ADDRESS (PRINT)	STREET					
CITY	STATE	ZIF	<u>-</u>			
PDM#	PERMIT #		··· ·····			

# Final Landscape Plan Landscape Architect Certification

IT IS CERTIFIED THAT THIS LANDSCAPE PLAN IS IN COMPLIANCE WITH ALL IPLANS PREVIOUSLY APPROVED BY BALTIMORE COUNTY AND THE BALTIMORE COUNTY COMMENTS ATTENDANT THERETO.

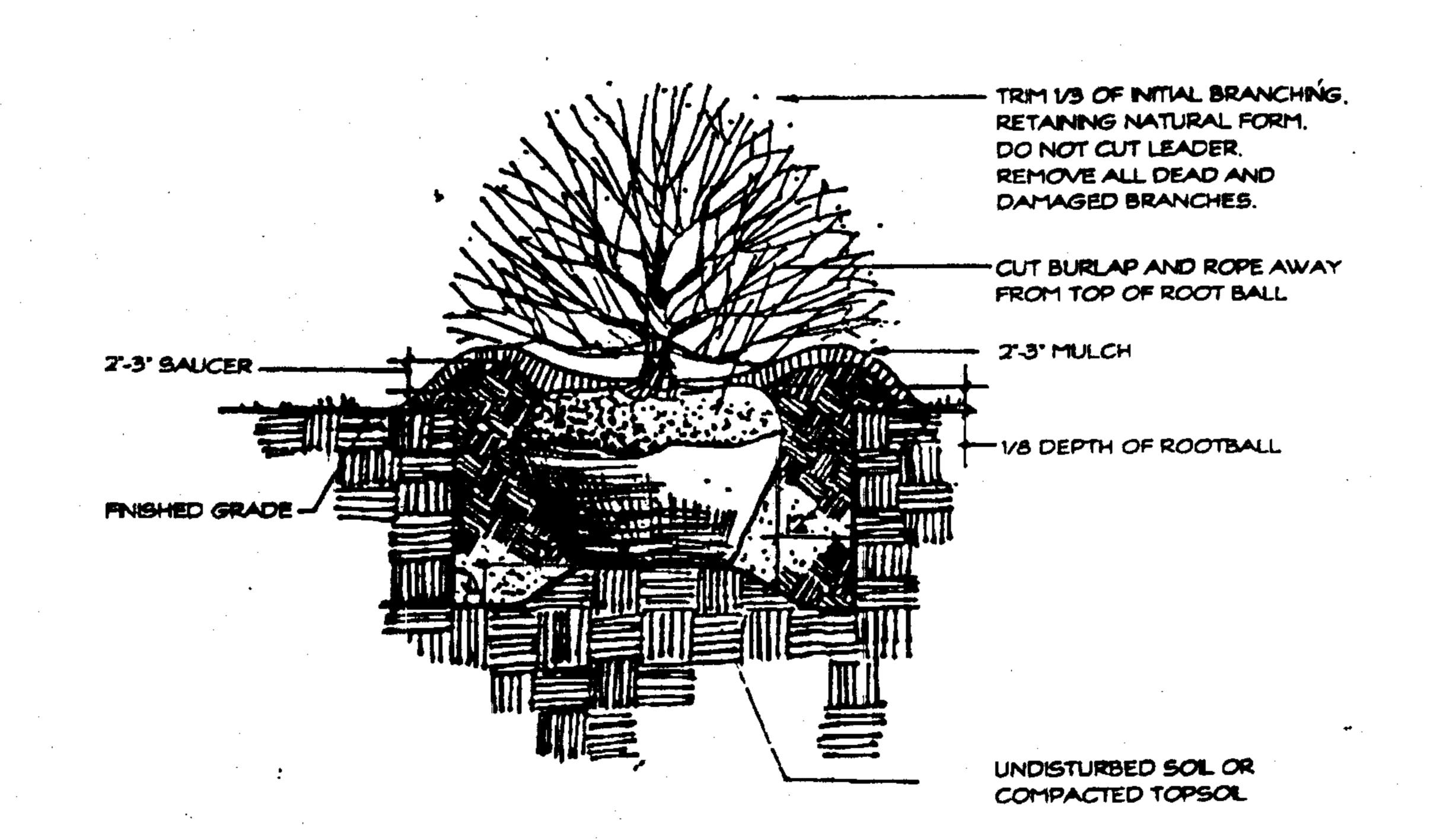
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# Reisterstown Road



# Plant List

COMMON NAME	BOTANICAL NAME	SIZE	QUAN.	NOTES
BARBERRY	Berberis thunbergi 'CRIMSON PYGMY'	18"-24" HGT	25	3' O/C, STAGGERED
MILLOMLEAF VIBURNUM	Viburnum x pragense	2'-3' HGT	5	4' O/C, STAGGERED
PORCUPINE GRASS	Miscanthus sinensis 'STRICTUS'	3 GAL.	3	30" 0/C, AS SHOWN
SAN JOSE JUNIPER	Juniperus chinensis 'SAN JOSE'	18"-24" HGT	15	3' O/C, SET AS SHOWN
LIRIOPE	Liriope muscari	1 QT	110	12" O/C, TRIANGULATED

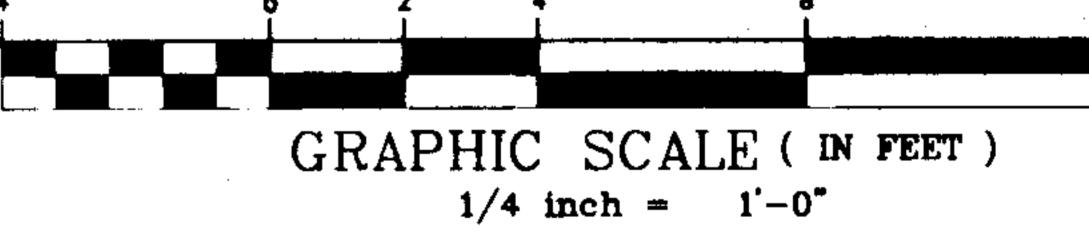


Shrub Planting Detail



1718 REISTERSTOWN ROAD

3rd ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT BALTIMORE COUNTY, MD.





PROP VIBURNUM

PROP. BARBERRY -

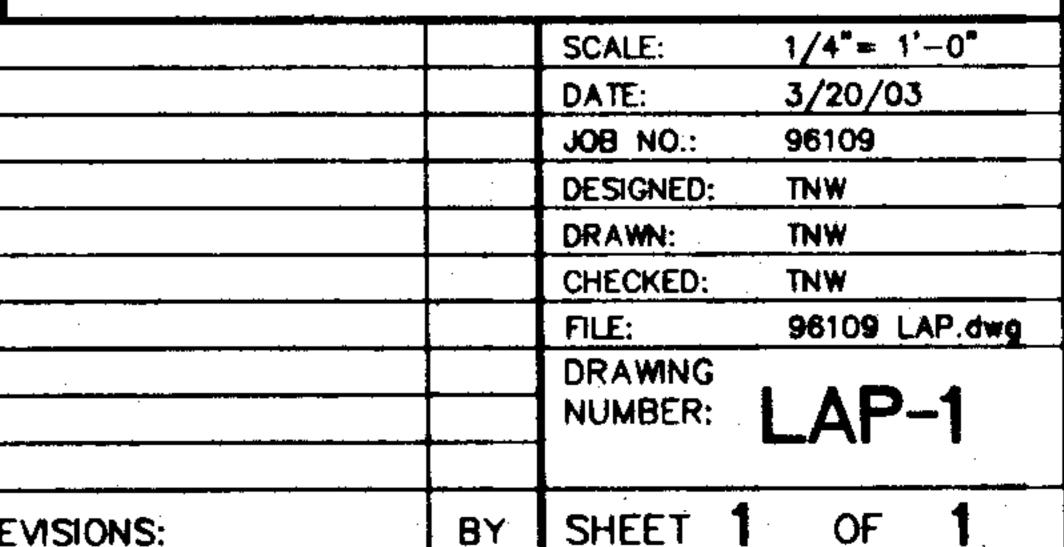
PROP. LIRIOPE -

PROP. MISCANTHUS

Colbert Matz Rosenfelt, Inc.

Engineers \* Surveyors \* Planners 2835 Smith Avenue, Suite G Baltimore, Maryland 21209 Telephone: (410) 653-3838 Facsimile: (410) 653-7953





for Exhibit